

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF  
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM,  
VILLAGE HALL, ON SEPTEMBER 3, 2003**

**Members Present:** Peter Lilienfield, Chairman  
Carolyn Burnett  
Jay Jenkins  
Walter Montgomery, Secretary  
William Hoffman

**Also Present:** Lino Sciarretta, Village Counsel  
Brenda Livingston, Ad Hoc Planning Board Member  
Edward P. Marron, Jr., Building Inspector  
Florence Costello, Planning Board Clerk  
Marybeth Dooley, Environmental Conservation Board Member  
Applicants and other persons mentioned in these Minutes

**IPB Matters  
Considered:**

- 94-03 – Westwood Development Associates, Inc. -- Phase 1  
(Tract A)**  
Sht. 10, P25J2, 25K2  
Sht. 10C, Bl. 226, Lots 25A, 26A  
Sht. 11, P-25J
- 01-26 – Danfor Realty – Harriman Road**  
Sht. 13B, Lot P-5, P-5C
- 02-03 – Abbott House – 100 North Broadway**  
Sht. 10, P-21
- 02-11 – Geraldine McGowan-Hall – 200 Mountain  
Road/Hermits Road**  
Sht. 11, Lot P-7J
- 02-44 - Westwood Development Associates, Inc.**  
Lot 4
- 03-15 – Vincent DeSantis – 64 West Clinton Avenue**  
Sht. 7B, B. 249, Lot 7A
- 03-22 – Ante & Sylvia Marusic – 60 Hudson Avenue**  
Sht. 10B, B. 230, Lot 22C
- 03-29 – Omnipoint Facilities Network, LLC – Abbott House,  
100 North Broadway**
- 03-30 – Cheryl & William Tucker – 13 Greyrock Terrace**  
Sht. 10D, B. 242, Lot 1
- 03-32 – Lisa Trencher – 6 Riverview Terrace**  
Sht. 10D, B. 240, Lot 6, 7, 8
- 03-35 – David & Nancy Rosner – 11 Meadow Way**  
Sht. 10F, B. 253, Lot 12
- 03-36 – Racwel Contracting & Construction Co., Inc. –  
Dearman Close**  
Sht. 10, Lot P-25J2-15

- 03-37 – Marygian Catarino – Riverview Road**  
Sht. 10C, B. 229, Lot 3
- 03-38 – Adi S. Katari – 292 Riverview Road**  
Sht. 10C, B. 226, Lot 24
- 03-39 – Lori & Charles Levy – 2 Hudson Road**  
Sht. 8, B. 219, Lot 27 and 27 A
- 03-40 – Meredith & Andrew Siegel – 10 Greyrock Terrace**  
Sht. 10D, B. 242, Lot 21 and 22

**Open Space  
Inventory**

- Consideration: 03-41 – Westwood Development Associates & Village of Irvington**  
– **Westwood Subdivision, Parcel B**  
Sht. 10, P-25K2  
Sht. 11, Part of 25J and all of 25J2

The Chairman called the meeting to order at 8:05 p.m.

Administrative:

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees. Further, unless otherwise noted, the Applicants submitted evidence of notice to Affected Property Owners.

The Chairman opened the meeting by noting that the Village Board of Trustees had adopted various changes in the Zoning Code, including a new definition of frontage that is intended to prevent “flag lots”, and to address other planning and development issues that have been of concern to the Village.

The Chairman then noted the following changes to the agenda:

**IPB Matter #02-11: Geraldine McGowan-Hall – 200 Mountain Road/  
Hermits Road**

No one appeared on behalf of this application, which will be carried over to the October meeting.

**IPB Matter #03-22: Ante & Sylvia Marusic – 60 Hudson Avenue**

This matter will be removed from the agenda unless the applicant provides re-notification of a public hearing on the application.

**IPB Matter #03-29: Omnipoint Facilities Network, LLC, Abbott House  
100 North Broadway**

No one appeared on behalf of this application, and it will be carried over to the October meeting.

**IPB Matter #03-32:**

**Lisa Trencher – 6 Riverview Terrace**

No one appeared on behalf of this application, which will be carried over to the October meeting.

**IPB Matter #03-35:**

**David & Nancy Rosner – 17 Meadow Way**

No one appeared on behalf of this application, which will be carried over to the October meeting.

**REVIEW OF AGENDA MATTERS:**

**IPB Matter #03-15:**

**Application of Vincent DeSantis for Site  
Development Plan Approval for property at  
64 West Clinton Avenue**

Mr. Robert Hoene, architect, represented the Applicant, who was also present. The Application pertains to the construction of an addition to a single-story family home and the installation of a swimming pool. Applicant submitted drawing entitled Proposed Addition to DeSantis Residence, prepared by Robert Hoene, Architect, dated January 7, 2003 last revised August 19, 2003.

Mr. Marron confirmed that satisfactory FAR data had been provided and he had no remaining concerns as the FAR met the requirements. Mr. Mastromonaco, in a memorandum dated September 3, 2003 indicated that he had no further issues with the application. The Chairman said the application was now complete, with the stipulation that the applicant must indicate the location of silt fencing on the plans.

There were no comments from the public, and a public hearing was set for the Board's next meeting on October 8, 2003.

**IPB Matter #03-38:**

**Application of Adi S. Katari for Site Development  
Plan Approval for property at 292 Riverview Road**

John Dedyo, P.E., represented the applicant, who is seeking legalization of improvements that have already been completed without Planning Board approval. The construction resulted in an expanded and reallocated living space, along with an increase in the structure's footprint. Applicant submitted plans entitled Katari Improvements, various dates, by John Dedyo, P.E., 8 sheets and Topographic Survey of Property by Link Land Surveyors, P.C. dated May 12, 2003.

Mr. Dedyo reviewed the work that had been done on the residence. He indicated that the pool shown on the plans presently exists, and had previously received the necessary approvals. The Chairman indicated that the setbacks from the various property lines should be revisited to determine if variances are required. Details of the existing easements which serve the property were also discussed, with further clarification to be provided by the Applicant. Mr. Mastromonaco's memorandum of September 3, 2003 cited the need for lot-coverage and FAR calculations, the location of the septic system, as well as other issues. The Chairman noted that Mr. Mastromonaco's comment regarding site capacity did not apply.

The Chairman said that the Board must have a site plan that shows not only the property and its structure as they now exist, but also conditions prior to the unauthorized construction. The Chairman also requested documentation of previous variances granted for construction on this property by the Zoning Board of Appeals, if any.

The Board continued this matter upon receipt of the requested information.

**IPB Matter #03-39:**

**Application of Lori & Charles Levy for Site  
Development Plan Approval for property at  
2 Hudson Road**

Arthur Chabon, architect, represented the Applicants, who also appeared before the Board. The applicants are proposing to add living space, a rear porch, front entry and a garage to an existing structure. Plans entitled Levy Residence by Arthur Chabon, Architect dated August 20, 2003, fourteen (14) sheets, and Survey of Property prepared for Charles J. Levy and Lorie Cowen Levy by Riley Land Surveyors, LLP, dated July 2, 2003, were submitted.

The Chairman noted that notification had not been properly sent to the New York State Office of Parks, Recreation and Historic Preservation, which is responsible for the Old Croton Aqueduct that abuts this property. In a letter addressed to the Village of Irvington dated September 1, 2003, the State Office of Parks, Recreation and Historic Preservation indicated that they were subsequently notified, and had no comments regarding the application. The Board felt that this resolved the noticing issue, and determined to hear the Application.

Mr. Chabon reviewed the plans, and the Chairman stated that there are several issues and existing conditions on the property that will need to be addressed. He cited a 1979 Zoning Board of Appeals decision granting a variance conditioned on the elimination of fence on the Aqueduct property, although a fence is still there. The size of the applicants' lot does not meet the minimum for the zone in which the property is located, and there were numerous setback issues including those off of Hudson Road and Hancock Avenue, both of which are considered front yards under the Village Code. In addition, the plans exceed FAR and coverage standards, as well indicate three stories. Given the number of variances that would be needed, the Chairman indicated that the Applicants should go to the Zoning Board of Appeals prior to further consideration of the Application by the Planning Board.

The Chairman also pointed out that this property is within the View Preservation Overlay District created by the recently enacted revisions to the Village Code, although this

would be addressed subsequent to action by the Zoning Board of Appeals. The Chairman asked the Applicant meet with the Building Inspector to discuss the improvements that were beyond the property boundaries. Mr. Marron said that the shed is non-conforming and must be legalized. Mr. Sciarretta stated that it needs to meet side-yard and Aqueduct setback requirements or be removed.

**IPB Matter #03-40:**

**Application of Meredith & Andrew Siegel for Site Development Plan Approval for property at 10 Greyrock Terrace**

Arthur Chabon, architect, represented the Applicants, who are seeking to make additions to, and a reconfiguration of, existing space in a single-family house, adding approximately 11,899 cubic feet of enclosed space. Plans submitted were entitled: Siegel Residence, 10 Greyrock Terrace, Arthur Chabon, Architect, August 20, 2003, twenty (20) sheets.

The Chairman stated that a variance for coverage would be necessary, and that the plans shown in existing parking space in the front yard and within the right of way of Greyrock Terrace, both of which need to be addressed. He also noted that the proposed conversion of the basement to living space would lead to the creation of a third floor under the Village Code's definition of a "story"; such a conversion would require a variance. Mr. Marron said that the plans meet FAR requirements.

In addition, the Chairman asked the Applicant to confirm the height of the rear retaining wall and its distance from the house and property line. Mr. Sciarretta confirmed that the property's two tax lots would have merged under the Zoning Code.

A neighbor, Doris Morin, submitted a letter to the IPB expressing concern regarding drainage. Mr. Morin was present at the meeting to reiterate that concern. The Applicant indicated that existing dry wells should be sufficient to handle the new construction; this was to be confirmed with Mr. Marron.

The Chairman indicated that the Applicants should go to the Zoning Board of Appeals prior to further consideration of the Application by the Planning Board.

**IPB Matter #03-37:**

**Application of Mary Gian Catarino for Determination of Site Capacity for property at Riverview Road**

Rudolph Petrucci, P.E., represented the Applicant, who is seeking a determination of site capacity for this property. Applicant submitted Proposed Site Plan for Mr. & Mrs. Catarino, Riverview Road, prepared by Rudolph C. Petrucci, P.E., dated July 22, 2002 (2 sheets).

Mr. Petrucci reviewed the property and the potential location of a residence on site. He noted that the property was composed of steep slopes, and that the property had frontage along the paper street portion of Riverview Road. The Chairman requested that the data on

the application be verified and corrected; the footprint of the house should not be deducted in resource protection calculations, and the resulting number of dwelling units should be rounded down (to zero) rather than up (to one). It was noted that the property is within the Irvington Watershed, resulting in a full deduction for purposes of calculating site capacity. Mr. Mastromonaco's memorandum of September 3 cited the need to check slope and square-footage data and the need for extensive fill and retaining walls. A variance from such site capacity determination falls under the purview of the Zoning Board of Appeals, although the Applicant was instructed to correct the deficiencies in the application prior to any appeal.

The Board indicated that there would be other site development plan issues, but it was premature to address them at this point. The Board set site capacity of this property at zero, and stipulated that the applicant insert full and correct information into the Application and have it reviewed by Mr. Marron prior to proceeding to the Zoning Board of Appeals.

**IPB Matter #02-03:**

**Application of Abbott House for Renewal of a  
Special Permit for property at 100 North  
Broadway**

Marianne Sussman, Esq., represented the applicant. Abbott House is seeking a renewal of its Special Permit to operate in the Village of Irvington.

The Chairman opened a public hearing on the application. Ms. Sussman introduced several members of Abbott House's senior management who were present, including the Chief Executive Officer, Denis Barry. She noted the letter of August 6, 2003 from Mr. Sciarretta that outlined his recommendations on whether to accept, reject or modify fifteen stipulations that Abbott House had proposed as changes to the current special use permit. She cited the applicant's views on each of the recommendations. A lengthy discussion of Mr. Sciarretta's recommendations and Abbott House's responses followed.

Mr. Jenkins urged Abbott House to reconsider its opposition to wording that appears merely to underscore the applicant's commitment to being a "good neighbor". Ms. Sussman said this opposition was based on the fact that such language did not reflect legally binding obligations and also could encourage unwarranted scrutiny of and intrusion into the institution's operations.

The Chairman asked that the lawyers for Abbott House work with Mr. Sciarretta and Mr. Jenkins to resolve disagreements and develop mutually acceptable language for a new permit.

The Board continued this matter.

**IPB Matter #03-30:**

**Application of Cheryl & William Tucker for Site  
Development Plan Approval for property at  
13 Greyrock Terrace**

Christina Griffin, architect, and Cheryl Tucker appeared before the Board. The applicants are seeking approval for additions to the first and second floors of a single-family

residence and for the enlargement of the front porch; the changes will increase the footprint of the house.

Ms. Griffin and the Chairman confirmed that the Applicants have received a variance (ZBA #2003-16) with regard to the rear-yard setback, dated May 22, 2003, and had more recently received zoning variances with regard to FAR dated July 8, 2003. She also cited her letter of August 28, 2003, that addressed issues previously raised by Mr. Mastromonaco.

With the letter and the variance (see ZBA #2003-16), the Chairman said the Application was complete and could be acted upon. The Board determined this application could be treated as a Type II action under SEQRA. Upon motion duly made and seconded, the Board granted Site Development Plan Approval for plans entitled Renovations and Extensions to the Tucker Residence, 3 Greyrock Terrace, Christina Griffin A.I.A, dated August 28, 2003, 9 sheets.

**IPB Matter #94-03:**

**Application of Westwood Development Associates, Inc., Phase 1 (Tract A)**

**IPB Matter #02-44:**

**Application of Westwood Development Associates, Inc. for Site Development Plan Approval for property at Lot 4, Westwood Subdivision**

The Board agreed to discuss these matters simultaneously, since Lot 4 is part of the Westwood parcel and is the initial property being considered for Site Development Approval. Mr. Padriac Steinschneider of Gotham Design appeared before the Board for the applications. No submissions were made for either matter.

The Chairman and Mr. Steinschneider reviewed changes that had been made in plans for Westwood and Lot 4 since the last IPB meeting. The Chairman emphasized the need to keep roof lines from being too high and thereby avoid the appearance of “massing”. He also asked for a plan showing the trees to be removed on those lots to serve as stockpile areas and for the on-site office. Mr. Marron reiterated the need to have a letter from the School District prior to issuing any building permits, as per the Board’s resolution. Mr. Sciarretta said the bond for this project was acceptable.

The Board continued this matter.

**IPB Matter #03-36:**

**Application of Racwel Contracting & Construction Co., Inc. for Site Development Plan Approval for property at Lot #15, Westwood Subdivision.**

Padriac Steinschneider of Gotham Design appeared on behalf of the application, which pertains to the proposed construction of a 2 ½-story single-family home with a 2-car garage.

Mr. Steinschneider said he is in the process of addressing the issues previously raised in Mr. Mastromonaco’s memorandum of September 3, 2003. The Chairman indicated that there were a number of inconsistencies on the plan that would need to be addressed by the

Applicant, and that the Board would not be able to proceed until modified plans were provided.

This matter was continued.

**IPB Matter #01-26:**

**Application of Danfor Realty for Subdivision  
Approval for Property Adjoining Harriman Road**

Mr. Paul Petretti, civil engineer and land surveyor, appeared on behalf of this continuing application for Preliminary Subdivision Layout and Limited Site Plan Approval of a seven-lot subdivision (two lots of which are already improved).

Mr. Petretti said he is developing an estimate for the amount of the bond for this project and will submit the calculation to Mr. Mastromonaco. Mr. Petretti also stated that he is writing the property transfer to the McNaughton family and is also determining the sequence of construction activities. In addition, a draft resolution of approval is being prepared and should be ready by the October IPB Meeting.

The Board continued this matter.

**OPEN SPACE INVENTORY CONSIDERATION:**

**IPB Matter #03-41:**

**Application of Westwood Development Associates  
& Village of Irvington for Subdivision Approval  
for property at Westwood Subdivision, Parcel B,  
West of Peter Bont Road and South of Riverview  
Road**

This application is being heard on behalf of both the Village, as contract vendee, and the owner, Westwood Development Associates. Mr. Paul Petretti, civil engineer and land surveyor, appeared on behalf of this application for re-subdivision approval for Parcel B of the Westwood subdivision. The subdivision is being proposed as part of the acquisition of portions of the Westwood Subdivision in conjunction with financing to be provided by the County of Westchester. Under the proposal, the existing 15.1708 acres of Parcel B will be divided into two lots: Parcel B-1, to contain 13.00 acres, is to be acquired by the County of Westchester. The remaining 2.1708 acres are to become Parcel B-2, which will be owned by the Village of Irvington. The Planning Board determined to proceed with the application pending comment from the ECB, if any.

The Chairman reviewed the steps by which the IPB and the Village had formed the present configuration and ownership of Parcels B, C and D. He also emphasized that the process for approving this application will eventually be tied into the Board's consideration of a proposed subdivision of Parcel C, to be submitted at a future date. The subdivision of Parcel B is in effect a simple lot line change, however, the need for a new subdivision map that can be filed necessitates Planning Board action on the subdivision.

Parcel B-1 will have frontage on the paper street portion of Riverview Road, with access via an easement over Parcel C to Peter Bont Road. Parcel B-2 will itself not front on a street, but will benefit from the same ownership with other lands of the Village of Irvington which have frontage on Peter Bont Road. Mr. Petretti noted that the location of the easement over Parcel C in favor of Parcel B-1 is still being developed as part of the planning for Tract C.

The Board reviewed an Environmental Assessment Form prepared on the Application, and determined that the proposal involves an Unlisted action under SEQRA. The Board furthermore indicated its intent to be Lead Agency for the SEQRA determination, and instructed the Applicant to send letters of such intent to interested and involved agencies, including the County Department of Health. The Environmental Conservation Board is also to be notified as an interested agency.

The Board, by consensus, determined the Application to otherwise be complete, and set a public hearing on Parcel B for its October 8, 2003 meeting. Due to the timing of the SEQRA notification, the Board indicated that it would hold a Special Meeting on this Application, if necessary, on October 15, 2003.

The Board approved the minutes of its regular meeting of July 2003.

The meeting was adjourned at 10:59 p.m.

Respectfully submitted,

Walter Montgomery  
Secretary